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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,867	08/29/2003	Sani El-Fishawy	15814.13	3084
22913	7590	11/16/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111				GARY, ERIKA A
ART UNIT		PAPER NUMBER		
				2681
DATE MAILED: 11/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/652,867	EL-FISHAWY, SANI	
	Examiner	Art Unit	
	Erika A. Gary	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 23-37 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Maggenti et al., US Patent Application Publication Number 2002/0077136 (hereinafter Maggenti).

Regarding claims 1 and 16, Maggenti discloses in a communication system, a method of transferring the floor between devices engaged in network-based instant connect communication, comprising: in a network-based instant connect communication session, transmitting voice data from a first device that has a floor of the instant connect communication session to a second device; receiving a request for the floor for the network based instant connect communication session from a second device; while the first device has the floor, responding to the floor request signal originating from the second device by transferring the floor to the second device automatically without waiting for the first device to relinquish the floor; and transmitting voice data from the second device to the first device while the second device has the floor [fig. 16; paragraphs 0004, 0010, 0211].

Regarding claims 2, 17, and 20, Maggenti discloses the floor request signal originating from the second device is generated in response to a user of the second device pressing a talk button of the second device [paragraph 0040].

Regarding claim 3, Maggenti discloses while the second device has the floor, responding to a floor request signal originating from the first device by transferring the floor back to the first device [paragraphs 0040, 0051].

Regarding claim 4, Maggenti discloses the floor request signal originating from the first device is generated in response to a user of the first device pressing a talk button of the first device [paragraph 0040].

Regarding claims 5 and 18, Maggenti discloses the floor is transferred to the second device without the first device consenting to the floor request from the second device [paragraph 0211].

Regarding claims 6 and 19, Maggenti discloses the floor is transferred to the second device in a way that interrupts transmission of the voice data from the first device to the second device and while a user of the first device continues pressing the talk button of the first device [paragraph 0211].

Regarding claims 7 and 21, Maggenti discloses the network-based instant connect communications session is conducted as half-duplex communication in a network that also has full-duplex communication capabilities [paragraph 0047].

Regarding claims 8 and 22, Maggenti discloses receiving a signal from the first device, the signal including a request to establish the network-based instant connect communication session and information identifying the second device; granting the floor

to the first device; and receiving the voice data from the first device, the voice data being transmitted to the second device in a way that automatically activates output of the voice data from the second device without requiring input from a user of the second device [paragraphs 0040, 0051, 0122].

Regarding claim 9, Maggenti discloses the communication system comprises a wireless network; and the first device and the second device are mobile devices [paragraph 0034].

Regarding claim 10, Maggenti discloses the communication system comprises a wireline telephone network; and the second device is a speakerphone [paragraph 0034].

Regarding claim 11, Maggenti discloses the floor request signal is generated as a user of the second device presses a talk button of the second device, the second device maintaining the floor until either the talk button of the second device is released or a subsequent floor request signal originates from the first device [paragraph 0123].

Regarding claim 12, Maggenti discloses the floor request signal is generated as a user of the second device taps a talk button of the second device, the second device maintaining the floor after the talk button of the second device is tapped until a subsequent floor request signal originates from the first device [paragraph 0123].

Regarding claim 13, Maggenti discloses the communication system includes at least a third device that communicates with the first device and the second device and receives the voice data transmitted from the second device while the second device has the floor [paragraphs 0051, 0123].

Regarding claim 14, Maggenti discloses floor control logic resides at a server in the communication network; and responding to the floor request signal originating from the second device is performed as the server receives the floor request signal [paragraph 0046].

Regarding claim 15, Maggenti discloses the floor control logic resides at the first device and the second device; and responding to the floor request signal originating from the second device is performed as the first device receives the floor request signal that has been transmitted from the second device to the first device [paragraph 0038].

Response to Arguments

3. Applicant's arguments filed October 28, 2005 have been fully considered but they are not persuasive. The Examiner holds that Maggenti still reads on the amended claims as the second device is given the floor upon request, without waiting for the first device to relinquish the floor if the second device has a higher priority than the first device.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
November 9, 2005


ERIKA A. GARY
PRIMARY EXAMINER